

Senate Bill 531

By: Senators Tate of the 38th, Fort of the 39th and James of the 35th

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a homestead exemption from Fulton County ad valorem taxes for county
2 purposes in an amount equal to the amount by which the current year assessed value of a
3 homestead exceeds the base year assessed value of such homestead; to provide for
4 definitions; to specify the terms and conditions of the exemption and the procedures relating
5 thereto; to provide for applicability; to provide for a referendum, effective dates, and
6 automatic repeal; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 (a) As used in this Act, the term:
10 (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county
11 purposes levied by, for, or on behalf of Fulton County, including, but not limited to, any
12 ad valorem taxes to pay interest on and to retire county bonded indebtedness.
13 (2) "Base year" means the taxable year immediately preceding the taxable year in which
14 the exemption under subsection (b) of this section is first granted to the most recent
15 owner of such homestead.
16 (3) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
17 the O.C.G.A., as amended, with the additional qualification that it shall include not more
18 than five contiguous acres of homestead property.
19 (b) Each resident of Fulton County who is 65 years of age or older and has resided in his or
20 her homestead for 25 or more years continuously is granted an exemption on that person's
21 homestead from Fulton County ad valorem taxes for county purposes in an amount equal to
22 the amount by which the current year assessed value of that homestead exceeds the base year
23 assessed value of that homestead. This exemption shall not apply to taxes assessed on
24 improvements to such homestead or additional land that is added to such homestead after
25 January 1 of the base year. If any real property is removed from such homestead, the base
26 year assessed value shall be adjusted to reflect such removal, and the exemption shall be

27 recalculated accordingly. The value of that property in excess of such exempted amount
28 shall remain subject to taxation.

29 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
30 section unless such person or person's agent files an application with the tax commissioner
31 of Fulton County, giving such information relative to receiving such exemption as will
32 enable the tax commissioner of Fulton County to make a determination regarding the initial
33 and continuing eligibility of such person for such exemption. The tax commissioner of
34 Fulton County shall provide application forms for this purpose.

35 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
36 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
37 as long as the person granted the homestead exemption under subsection (b) of this section
38 occupies the residence as a homestead. After a person has filed the proper application as
39 provided in subsection (c) of this section, it shall not be necessary to make application
40 thereafter for any year, and the exemption shall continue to be allowed to such person. It
41 shall be the duty of any person granted the homestead exemption under subsection (b) of this
42 section to notify the tax commissioner of Fulton County in the event that person for any
43 reason becomes ineligible for such exemption.

44 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
45 state ad valorem taxes, county or independent school district ad valorem taxes for educational
46 purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption
47 granted by subsection (b) of this section shall be in addition to and not in lieu of any other
48 homestead exemption applicable to Fulton County ad valorem taxes for county purposes.

49 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
50 beginning on or after January 1, 2011.

51 **SECTION 2.**

52 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
53 superintendent of Fulton County shall call and conduct an election as provided in this section
54 for the purpose of submitting this Act to the electors of Fulton County for approval or
55 rejection. The election superintendent shall conduct that election on the date of the 2010
56 November general election and shall issue the call and conduct that election as provided by
57 general law. The election superintendent shall cause the date and purpose of the election to
58 be published once a week for two weeks immediately preceding the date thereof in the
59 official organ of Fulton County. The ballot shall have written or printed thereon the words:

66 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
67 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
68 such question are for approval of the Act, Section 1 of this Act shall become of full force and
69 effect on January 1, 2011. If the Act is not so approved or if the election is not conducted
70 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall
71 be automatically repealed on the first day of January immediately following that election
72 date. The expense of such election shall be borne by Fulton County. It shall be the election
73 superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

75 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
76 its approval by the Governor or upon its becoming law without such approval.

SECTION 4.

78 All laws and parts of laws in conflict with this Act are repealed.